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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

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6 ARTHUR LEE GARRISON,
7 Plaintiff,
8 v.
9 NEVADA DEPARTMENT OF
CORRECTIONS, *et al.*,
10 Defendants.

Case No. 3:18-cv-00389-MMD-WGC
ORDER

11 **I. SUMMARY**

12 *Pro se* Plaintiff Arthur Garrison filed a civil rights complaint under 42 U.S.C. § 1983.
13 (ECF No. 6.) Before the Court is the Report and Recommendation (“R&R” or
14 “Recommendation”) of United States Magistrate Judge William G. Cobb (ECF No. 108),
15 recommending that Defendants’ motion for summary judgment (ECF No. 90) be granted.
16 Garrison timely filed his objection to the R&R. (ECF No. 110 (“Objection”).)¹ Garrison
17 additionally filed a motion for leave to file several motions. (ECF No. 109.) Because the
18 Court agrees with Judge Cobb and as further explained below, the Court overrules
19 Garrison’s Objection and adopts the R&R in full. Accordingly, Garrison’s motion for leave
20 to file several motions is denied as moot.

21 **II. BACKGROUND**

22 The Court incorporates by reference Judge Cobb’s recitation of the factual
23 background provided in the R&R, which the Court adopts here. (ECF No. 108 at 1-2.)

24 **III. LEGAL STANDARD**

25 **A. Review of the Magistrate Judge’s Recommendation**

26 This Court “may accept, reject, or modify, in whole or in part, the findings or
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28 ¹Garrison’s Objection was docketed as a “response” to Defendants’ motion for summary judgment. The Court, however, construes the docketed response (ECF No. 110) as an objection to Judge Cobb’s R&R.

1 recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party
2 timely objects to a magistrate judge’s report and recommendation, then the Court is
3 required to “make a *de novo* determination of those portions of the [report and
4 recommendation] to which objection is made.” *Id.* The Court’s review is thus *de novo*
5 because Garrison filed his Objection (ECF No. 110).

6 **IV. DISCUSSION**

7 Following a *de novo* review of the R&R and other records in this case, the Court
8 finds good cause to accept and adopt Judge Cobb’s R&R.

9 Judge Cobb recommends that summary judgment be granted in favor of Defendant
10 Dr. Walls because Garrison has failed to offer any evidence that Dr. Walls’s medical
11 determination was unacceptable under the circumstances or that it was chosen in
12 disregard of an excessive risk to Garrison’s health. (ECF No. 108 at 6-8.) Judge Cobb
13 further recommends that summary judgment be granted in favor of Defendant John Keast
14 as he is not involved in the scheduling of appointments with outside providers, and he has
15 provided evidence that he did not personally participate in the alleged constitutional
16 violation. (*Id.* at 8-9.) Garrison’s Objection fails to address Judge Cobb’s R&R and appears
17 to merely restate allegations that his constitutional rights were violated, and Garrison cites
18 to non-binding multiple caselaw outside of the Ninth Circuit. (ECF No. 110 at 3-4.) Garrison
19 has thus failed to provide evidence to create a genuine dispute of material fact as to
20 whether Dr. Walls and Keast were deliberately indifferent to his alleged serious medical
21 needs.

22 Accordingly, and the Court having reviewed the record *de novo*, agrees with Judge
23 Cobb that summary judgment should be granted in favor of Defendants Dr. Walls and
24 John Keast. Garrison’s Objection is thus overruled. The Court will adopt Judge Cobb’s
25 R&R in its entirety.

26 **V. CONCLUSION**

27 The Court notes that the parties made several arguments and cited to several cases
28 not discussed above. The Court has reviewed these arguments and cases and determines

1 that they do not warrant discussion as they do not affect the outcome of the issues before
2 the Court.

3 It is therefore ordered that the Report and Recommendation of Magistrate Judge
4 William G. Cobb (ECF No. 108) is accepted and adopted in full.

5 It is further ordered that Defendants' motion for summary judgment (ECF No. 90)
6 is granted.

7 It is further ordered that Plaintiff Arthur Garrison's Objection (ECF No. 110) to Judge
8 Cobb's RR is overruled.

9 It is further ordered that Garrison's motion for leave to file several motions (ECF
10 No. 109) is denied as moot.

11 The Clerk of Court is directed to enter judgment accordingly and to close this case.

12 DATED THIS 25th Day of June 2021.

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16 MIRANDA M. DU
17 CHIEF UNITED STATES DISTRICT JUDGE
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